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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,298	12/15/2000	Lahcen Bennai	Q62303	8442

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EXAMINER

MURPHY, RHONDA L

ART UNIT PAPER NUMBER

2667

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/736,298	BENNAI ET AL.	
	Examiner	Art Unit	
	Rhonda L Murphy	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/15/00</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed December 15, 2000 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the patent number 5,924,500 listed for Lewis et al is incorrect. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the signature of Christian Laroque has not been provided.

Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities: The term "and/or" shall be deleted from the specification on line 10, page 3 and line 9, page 4.

Appropriate correction is required.

Claim Objections

5. Claims 1 and 7 are objected to because of the following informalities: The term "and/or" shall be deleted from line 6 of claim 1 and line 8 of claim 7. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claim 7 recites the limitation "said channel" in line 10 of page 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Kim (US 4,821,264).

Regarding claim 7, Kim teaches a method of communication in which: at least two accesses are used between two exchanges each having at least one B channel for transmitting voice and data (see Fig. 2), characterized in that: a common D channel is constituted for transmitting signaling signals relating to data to be transmitted to said

accesses (Fig. 2, col. 3, lines 23-29), signaling signals relating to at least two accesses are shared on said channel (col. 3, lines 25-38), and the two accesses are managed using the signaling signals delivered by said common signaling channel (col. 3, lines 25-45).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 and 3 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Kato (US 6,683,880).

Regarding claims 1,5 and 6, Kim teaches a communication method using an access including at least one B channel for transmitting voice and first data and one D channel for transmitting signaling signals and second data relating to the first data to be transmitted to said access (col. 3, lines 10-22), characterized in that: at least one additional signaling channel is constituted and formed in a signaling path of another access (Fig. 2, col. 3, lines 25-41); and that an access provides thirty B channels (it is known in the art that primary rate access (PRA) – the international version of primary rate interface (PRI) – supports 30 B channels).

Kim fails to teach an order of priority of the use of the signaling channels and assigning the highest priority functional signaling channel to the access.

However, Kato teaches determining an order of priority of the use of the signaling channels and assigning the highest priority functional signaling channel to the access (col. 6, lines 17-20).

In view of this, having the system of Kim and then given the teaching of Kato, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kim, by incorporating a level of priority for the signaling channels, so as to improve reliability of the connecting service (col. 6, lines 21-23).

Regarding claim 3, the combined method of Kim and Kato teach a communication method using at least one B channel for transmitting voice and first data and at least two D channels, characterized in which an order of signal priority is determined.

Kim and Kato fail to teach regularly testing a highest priority signaling D channel when said channel is not in service.

However, official notice is taken of testing a signaling channel when the channel is not in service. It is known in the art that if a channel is determined to be not in service, a test must have been performed in order to conclude the channel inoperative.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to perform a test on the channel, thus providing reliability since transmission would not occur if the channel were inoperative.

Regarding claim 4, the combined method of Kim and Kato teach a communication method using at least one B channel for transmitting voice and first data and at least two D channels, characterized in which an order of signal priority is determined.

Kim and Kato fail to teach neutralizing one or more B channels if the D channel in service is not sufficiently functional.

However, official notice is taken of neutralizing one or more B channels if the D channel in service is not sufficiently functional. It is known in the art that if the D channel is not functioning properly, data would not be transmitted along the B channels since the B channels and D channel are associated with one another for proper data transmission. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to neutralize the B channels so as to reduce delays and allow for efficient bandwidth usage.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Kato as applied to claim 1 above, and further in view of Ahuja et al. (US 6,222,837).

Regarding claim 2, the combined method of Kim and Kato teach a communication method using at least one B channel for transmitting voice and first data and at least two D channels, characterized in which an order of signal priority is determined.

Kim and Kato fail to teach a method in which the B channel transmits voice and first data on a different physical medium to one of the D channels.

However, Ahuja teaches method in which the B channel transmits voice and first data on a different physical medium to at least one of the D channels (col. 4, lines 35-41).

In view of this, having the combined system of Kim and Kato, and then given the teaching of Ahuja, it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to modify the system of Kim and Kato, by utilizing different physical medium so as to avoid significant delays thus, providing better system performance.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda L Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER
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